

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

MATTHEW MCCARTHY,
Plaintiff,

vs.

PATTERSON PARK PARTNERS, LLC
d/b/a LOCAL 121, alias, CITY OF
PROVIDENCE, by and through its Treasurer,
James Lombardi, PROVIDENCE POLICE
OFFICER, BADGE #205, alias
Defendants.

C.A. No. 18-cv-663

PETITION FOR REMOVAL FROM STATE COURT

Now comes Defendant City of Providence and hereby seeks removal of a civil action filed in the Rhode Island Superior Court, Providence County, entitled *PATTERSON PARK PARTNERS, LLC d/b/a LOCAL 121, alias, CITY OF PROVIDENCE, by and through its Treasurer, James Lombardi, PROVIDENCE POLICE OFFICER, BADGE #205, alias C.A. PC-2018-8229* to this Honorable Court, pursuant to 28 U.S.C. §§ 1441 and 1446.

In support of said petition for removal, Defendant represents that it first received Plaintiff's complaint when it was served with process on or about November 20, 2018. Plaintiff's complaint seeks declaratory and injunctive relief, as well as damages, on the basis of disability discrimination under Title II and Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*, the Equal Rights of Blind Persons to Public Facilities Act, R.I. Gen. Laws §§ 40-9.1-1 *et seq.*, the Civil Rights of People with Disabilities Act, R.I. Gen. Laws §§ 42-87-1 *et seq.*, the Hotel and Public Places Act, R.I. Gen. Laws §§ 11-24-1 *et seq.*, and the Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* Accordingly, this Court has original jurisdiction

over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

Defendant further states that the required filing fee has been filed contemporaneously with this petition, together with a copy of the complaint served upon it.

Defendant provides further that, pursuant to 28 U.S.C. § 1446(d) and LR cv 81, copies of this petition are being served upon all other parties as well as upon the clerk of the Rhode Island Superior Court, Providence County.

Additionally, Defendant Alberto DaCruz (police officer with badge number 205) has expressed his consent to removal to Defendant.

CITY OF PROVIDENCE,

By its Attorney,

JEFFREY DANA
CITY SOLICITOR

/s/Megan Maciasz DiSanto (#7991)
Senior Assistant City Solicitor
mdisanto@providenceri.gov

/s/Jillian H. Barker (#8353)
Associate City Solicitor
jbarker@providenceri.gov

City of Providence Solicitor's Office
444 Westminster Street, Suite 220
Providence, RI 02903
(401) 680-5333 (Tel)
(401) 680-5520 (Fax)

CERTIFICATION OF SERVICE

I hereby certify that I have filed the within with the United States District Court on this 9th day of December, 2018, that a copy is available for viewing and downloading via the ECF system, and that I have caused a copy to be sent to:

For the Plaintiff:

Paige Munro-Delotto (#9291)
Munro-Delotto Law, LLC
400 Westminster Street, Ste. 200
Providence, RI 02903
paige@pmdlawoffices.com

For Co-Defendants Officer #465:

Michael J. Colucci (#3302)
Olenn & Penza, LLP
530 Greenwich Avenue
Warwick, RI 02886
mjc@olenn-penza.com

Co-Defendant:

Patterson Park Partners, LLC
d/b/a Local 121
116 Orange Street
Providence, RI 02903

/s/ Megan Maciasz DiSanto